

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/938,670 Confirmation No.: 2509
Applicant : Jens PETERSEN et al.
Filed : August 27, 2001
Title : POLYACRYLAMIDE HYDROGEL AND ITS USE AS AN
ENDOPROSTHESIS
TC/Art Unit : 3738
Examiner: : Cheryl L. Miller

Docket No. : 60117.000007
Customer No. : **21967**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

On August 26, 2008 a telephonic interview was conducted with Examiner Miller, the undersigned and Pierre Kary, an additional representative of the Applicant. During this interview the rejections based on the Purkait and Annis references were discussed in detail. It was explained that these references separately or in combination fail to teach or suggest a biostable hydrogel suitable for use as an endoprosthesis and possessing the recited low residual monomer content and the recited elasticity module and complex viscosity as set forth in claim 1 et seq. In support thereof Applicants made reference to the examples and other pertinent portions of these references which support a conclusion that these references either teach away from or fail to suggest a hydrogel possessing the recited properties which render it suitable for use as an endoprosthetic material.

It is believed that no additional fees are due in connection with this Response. However, in the event it is determined by the U.S. Patent and Trademark Office that additional fees are

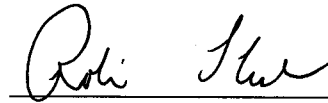
due, the Commissioner is hereby authorized to charge such fees to the undersigned's Deposit Account No. 50-0206. Applicants further advise that a formal response to the outstanding Office Action will be filed shortly.

Respectfully submitted,

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Dated: September 29, 2008

By:



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